

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,
BOSTON SCIENTIFIC CORPORATION 2000
LONG TERM INCENTIVE PLAN and DOES 1-
50,

Defendant.

No. 5:07-cv-03792-JW

JOINT PRETRIAL CONFERENCE
STATEMENT

Date: September 8, 2008
Time: 11:00 a.m.
Place: Dept. 8
Before: Hon. James Ware

Pursuant to Civil Local Rule 16-10(d), Plaintiff Donald Masters ("Plaintiff") and Defendant Boston Scientific Corporation ("Defendant") submit this Joint Preliminary Pretrial Conference Statement.

I. DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS

1. The following progress or changes have occurred since the last case management statement was filed by the parties:

a. The parties have made written disclosures and propounded and responded to written discovery.

b. On May 5, 2008, the parties met Judge Seeborg for a settlement conference, which was not successful at resolving the case.

c. Plaintiff filed a motion for leave to serve additional interrogatories, which Judge Lloyd granted in part on June 11, 2008.

d. On August 11, 2008, the parties filed a Stipulation and Order to Reschedule Preliminary Pretrial Conference, which the Court granted.

2. The parties do not request any other changes to the Scheduling Order previously entered by the Court. Defendant anticipates filing a motion for summary judgment on or before November 3, 2008 for hearing on or before December 8, 2008.

Plaintiff's Position on the Trial Date: Plaintiff requests the earliest date in 2009 for his jury trial, which he anticipates taking no more than 2 days for testimony and argument.

Defendant's Position on the Trial Date: If the action remains following summary judgment, Defendant believes trial should commence on or about March 9, 2009. In light of Plaintiff's waiver of a jury, Defendant estimates the time for trial of this matter to be 2-3 court days.

DATED: August 29, 2008

Shopoff & Cavallo, LLP

By: _____/s/
Greg Cavallo
Attorneys for Plaintiff
DONALD MASTERS

DATED: August 29, 2008

Bingham McCutchen LLP

By: _____/s/
Thomas E. Kuhnle
Attorneys for Defendant
BOSTON SCIENTIFIC CORPORATION